

Remarks/Arguments

In the December 23, 2004 office action, claims 1-3, 5-11, 13-17 and 20 were rejected under section 102 as being anticipated by Samejima et al (US Patent No. 5,465,561). Claims 4, 18 and 19 were rejected under section 103(a) as being unpatentable over Samejima et al in view of van der Lely '359 (US Patent No. 4,149,359). Claim 12 was rejected under section 103(a) as being unpatentable over Samejima et al in view of van der Lely '658 (US Patent No. 3,965,658).

In response to the rejection, applicant amends claims 1, 9 and 14, and cancels claims 5, 11, 12 and 16. The amended claims are patentable over the cited references.

Claim 1 is amended to specify a cover with an inwardly facing collar, which is not shown in Samejima et al. Claim 1 also is amended to specify the output shaft has a first end adjacent the top of the housing. Samejima et al's output shaft 2B does not have a first end adjacent the top of bevel gear case 3. Claim 1 also is amended to specify a first roller bearing positioned in the collar around the first end of the output shaft. Samejima et al does not have a roller bearing positioned in the collar around the first end of output shaft 2B. Claim 1 also is amended to specify that the first bevel gear is attached to the terminal end of the input shaft adjacent the opening through which the input shaft is inserted. Samejima et al's bevel gear 2a is not adjacent the opening through which input shaft 2A is inserted, but is on the opposite side of bevel gear case 3.

In the Dec. 23, 2004 office action's rejection of claim 12, the Examiner asserts that van der Lely '658 shows an inwardly extending collar. However, there is no suggestion to combine van der Lely '658's cover forming a bearing holder 48 with Samejima et al. Van der Lely '658's bearing holder would not work with Samejima et al because Samejima et al's output shaft 2B does not reach anywhere near the cover positioned at the top of bevel gear case 3.

Claims 2-4 and 6-8 are patentable over the cited references for at least the same reasons that claim 1 is patentable.

Claim 9 is amended to specify that the cover has an inwardly extending collar receiving and positioning a roller bearing to rotatably support the first end of the output shaft. Samejima et al shows bevel gear case 3 having a cover without an

inwardly extending collar receiving and positioning a roller bearing to rotatably support the first end of output shaft 2B. There is no suggestion to combine van der Lely '658's cover forming a bearing holder with Samejima et al. In fact, van der Lely '658' s bearing holder would not work with Samejima et al because Samejima et al's output shaft 2B does not extend up to the cover at the top of bevel gear case 3.

Claims 10 and 13 are patentable over the cited references for at least the same reasons that claim 9 is patentable.

Claim 14 is amended to specify the cover has an inwardly extending collar receiving and positioning a roller bearing to rotatably support the first end of output shaft 2B. Samejima et al's bevel gear case 3 does not include a cover with an inwardly extending collar receiving and positioning a roller bearing to rotatably support the first end of output shaft 2B. There is no suggestion in the cited references to combine van der Lely '658's cover forming a bearing holder 48 with Samejima et al. Van der Lely '658's bearing holder would not work with Samejima et al because Samejima et al's output shaft 2B does not extend up to the cover at the top of bevel gear case 3.

Claims 15 and 17-20 are patentable for at least the same reasons as claim 14.

Additionally, claim 1 is amended to specify that the gear box is mounted on a mower deck of a grass mowing machine, the gear box positioned between the mower deck and an operator platform. Claim 14 is amended to specify a grass mowing machine having an operator platform, with the gear box positioned between the mower deck and operator platform.

The cited van der Lely patents relate to grass mowing machines behind a tractor -- not to grass mowing machines of the type claimed in the present application, having an operator positioned over a mower deck. The cited van der Lely patents, as well as Samejima et al, fail to address the desirability of reducing the profile of a gear box positioned between a mower deck and operator platform. Absent any reason or incentive to make the combinations suggested by the Examiner, it is not an obvious solution to the problem.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

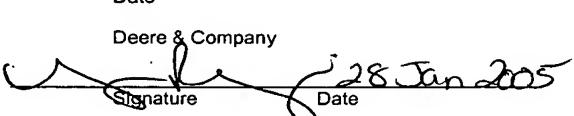


Attorney for Applicant(s)

Attorney for Applicant(s)

Stephen D. Dellett
Reg. No. 32,564
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-4232

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on: 28 Jan 2005
Date



Deere & Company
Signature _____ Date 28 Jan 2005